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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,439	04/18/2001	Noriaki Nishi	450100-03136	3371

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NEW YORK, NY 10151

EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/837,439

Applicant(s)

NISHI, NORIAKI

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2655

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art .

Figs 1-10 corresponds to admitted prior art. The prior art shows the use of an optical head recording and reproducing apparatus comprising: a light source 105, an anamorphic prism fig 1, an objective lens 110, 111, photo detection element 114, signal processing for servo control (tracking and focusing) is inherently present. The anamorphic prism further comprising: a first prism 102, a second prism 103 bonded to the first prism and wherein the light entering the first prism is expanded when it exits the second prism as shown in fig 1 entering and exiting in "substantially" the same direction.

With respect to the limitations of claims 2 and 6. As shown in fig 1 the light beam entering the first prism is expanded as it exits the second prism.

With respect to the limitation of claim 7. the limitation is merely a desired result. Fig 9 shows the use of "other elements" such as 107-112.

Art Unit: 2655

With respect to the limitation of claim 8. As shown in fig 1 measuring the light beam entering the first prism and light beam exiting the second prism shows a magnification of at least 1.4 times.

Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (6567366).

The reference shows an optical disk recording and reproducing apparatus comprising: a light source 21, an objective lens 16, photo detection means 19, processing and servo control (inherently present), anamorphic lens having a first and second prisms 235, 243 for expanding the light beam entering and exiting the first and second prisms Do, and D 2 in "substantially" the same direction. As shown in fig 3A.

With respect to the limitations of claims 2, 6 and 8 see fig 3A showing at least doubling the magnification from Do to D2.

With respect to the limitation of claim 7. fig 4 shows the use of "other elements" such as 26 and 15 to accomplish the desired result of eliminating beam shift.

With respect to the limitation of claim 4. fig 2 shows the use of a reflection plane 25 or 15 in which the exiting of the light beam from the second prism 243 is made to be perpendicular to the entering of the light beam at point 25.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

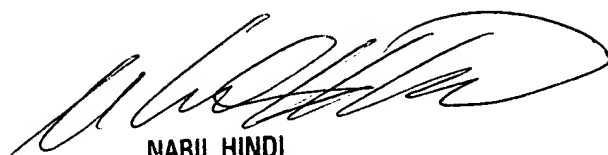
None of the cited prior art shows the formula as claimed

Application/Control Number: 09/837,439  
Art Unit: 2655

Page 4

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6038089.

Any inquiry concerning this communication should be directed to NABIL Z HINDI  
at telephone number (703) 308-1555.



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GROUP 2655